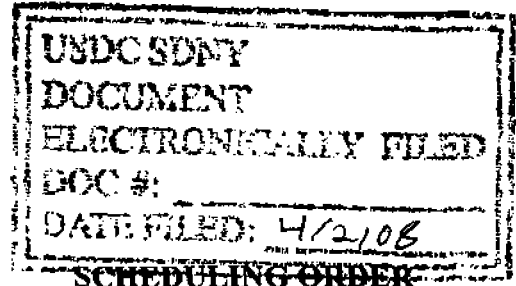


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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KEVIN DAVIS,

Plaintiff,

07-CV-7706 (JSR) (FM)

-against-

OFFICIAL CAPACITY ROBERT SHAW, WARDEN OF
GEORGE R. VIerno CENTER (BEACON);
INDIVIDUAL CAPACITY CAPTAIN FADINA,
(BADGE NO. 1298)

Defendants.
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1. Pursuant to Fed. R. Civ. P. 16(a), a case management conference was held on April 2, 2008, before the Honorable Frank Maas, United States Magistrate Judge, with appearances by:

For Plaintiff: Kevin Davis, *pro se*, 07-A-5542; Sing Sing Correctional Facility, 354 Hunter Street, Ossining, New York 10562.

For Defendants Warden Robert Shaw and Adeboye Fadina: Assistant Corporation Counsels Baree N. Fett and Genevieve Nelson, 100 Church Street, New York, New York, 10007; (212) 788-8343.

2. Statement of Issues: Plaintiff alleges that on June 4, 2007, at about 6:05 a.m., in the George R. Vierno Center ("GRVC") gym area during a strip search for detainees/inmates going to court, he refused to take his clothes off in front of everyone. There were eight Correction Officers present, and eight detainees/inmates were taking their clothes off while another eight detainees/inmates were putting their clothes on, and countless others were in the stands watching and waiting to be escorted out of the gym. Plaintiff alleges he was made to wait until everyone left the gym, at which time, he alleges, he was handcuffed by Captain Fadina (Badge No. 1298 or 1299), who forcefully tore and pulled off his underwear. Plaintiff alleges he felt scared and humiliated while the eight Correction Officers laughed at him. During this time, plaintiff alleges, another detainee/inmate worker was present and another detainee/inmate walked in and saw what was taking place. Inmate Alan Vega, 241-0705241, is plaintiff's witness. Plaintiff claims no physical injuries. Plaintiff alleges mental stress and anguish, abuse of force and sexual harassment. Plaintiff seeks injunctive relief in the form of a modification to the strip search policy, as plaintiff understands it, such that inmates would be permitted to wear their undergarments when walking through the metal

detector. Plaintiff also seeks \$60 million in damages for alleged violations of his Fourth, Eighth and Fourteenth Amendment rights.

Defendants deny all allegations.

3. Discovery Schedule:

a) Depositions:

- Defendants intend to depose the plaintiff and possibly Alan Vega, who plaintiff alleges was present during the incident, and the inmate worker plaintiff also alleges was present during the incident.

b) Schedule for Production of Documents:


- On or before May 19, 2008, any discovery demands shall be served.
- On or before June 20, 2008:
 - Any responses shall be served.
 - The defendants shall submit to the Court for *in camera* review Captain Fadina's disciplinary history regarding any conduct similar to that alleged in this case.
- The defendants may provide plaintiff with a HIPAA release limited to records related to the psychiatric counseling concerning the incident alleged in this case that plaintiff received while at Rikers. The plaintiff shall return the release within ten days of its receipt.
- The parties shall execute a stipulation of confidentiality to be "so ordered" by the Court.

c) A telephone conference shall be held June 25, 2008, at 11:00 a.m. Counsel for the defendants shall arrange for the plaintiff's appearance by telephone and shall initiate the call to Chambers at (212) 805-6727.

4. The parties acknowledge and agree that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

SO ORDERED

Dated: New York, New York
April 2, 2008


FRANK MAAS
United States Magistrate Judge

Copies to:

Honorable Jed S. Rakoff
United States District Judge

Kevin Davis
#07-A-5542
Sing Sing Correctional Facility
354 Hunter St.
Ossining, New York 10562

Baree N. Fett, Esq.
Assistant Corporation Counsel
Fax: (212) 788-9776